

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

1:21 MJ 9164

AFFIDAVIT

Your Affiant, Alexander A. Gumucio, deposes and states:

1. Your Affiant has been employed by the Cleveland Police Department (CPD) since October 1, 2012, and has been a Detective investigating narcotics and gun related crimes for over nine years. As a Detective in the Cleveland, Ohio, Police Department, your Affiant received basic narcotics training at the Cleveland Police Academy and also received field training by officers of the Cleveland Police Department's Fifth District. During this time, Your Affiant participated in routine police functions, including but not limited to investigating narcotics related offenses. Your Affiant was assigned to the Cleveland Police Department's Neighborhood Impact Community Engagement (N.I.C.E) Unit in May 1, 2017. Your Affiant received basic narcotic investigation training by officers assigned to the Gang Impact Unit (GIU) while detailed to GIU from January of 2019 until March of 2021. Currently, Your Affiant is assigned to the CPD Narcotics Unit in which basic and advanced drug-related investigation techniques are conducted, including, but not limited to: surveillance, undercover operations, interview and interrogation techniques, informant recruitment and control, search warrant and well as other general criminal offenses in the State of Ohio as well as the Northern District of Ohio. These cases were prosecuted in both state and federal court. Your Affiant is also a certified peace officer in the State of Ohio. Additionally, as a patrol officer and a Detective detailed to Vice, Neighborhood Impact Community Engagement Unit, Gang Impact Unit and Narcotics Unit, Your Affiant has participated in the investigation of felony and misdemeanor crimes; received training in the detection and recognition of illegal narcotics; and conducted over

one hundred drug related arrest to include coordinating undercover purchases of controlled substances. These investigations lead to the execution of several search warrants and seizures of narcotics, narcotics proceeds, weapons, and drug preparation tools. These arrests resulted in street level narcotics enforcement, gang related investigations, and the dismantlement of mid to upper-level drug trafficking organizations (DTOs). Your Affiant has participated in several undercover operations throughout investigations including participating as an undercover officer and supervising the activities of informants. These activities include being provided information concerning controlled substances, organized criminal activities, purchasing controlled substances, and supervising consensual monitoring in connection with these investigations. Since September 11, 2019, Your Affiant has been a Task Force Office (TFO) for the Federal Bureau of Investigations (FBI) and working with the Northern Ohio Law Enforcement Task Force (NOLETF), which is a multi-agency narcotics task force consisting of federal, state, and local law enforcement operating in the Northern District of Ohio. Your Affiant is currently assigned to the Northern Ohio Law Enforcement Task Force (NOLETF). Your Affiant has experience participating in Title III wiretap which includes interception of wire and electronic communications.

2. This Affidavit is being submitted for the limited purpose of establishing probable case that JAMES DAILEY, has violated federal law Possession With Intent to Distribute Controlled Substances, under Title 21 United States Code Section 841(a)(1) and (b)(1)(B).

3. As such, this Affidavit does not include every fact known to your Affiant regarding this investigation, but will seek to summarize the relevant information. The statements made in this affidavit are based in part on information provided by members of the Cleveland Division of Police. Your Affiant is familiar with the facts and circumstances of the offenses described in this Affidavit based upon Affiant's obtaining information from law enforcement, and from Affiant's personal observations and conversations. Unless otherwise noted, whenever in this Affidavit your Affiant asserts that a statement was made, the information was provided by another law enforcement officer (who may have had either direct or hearsay knowledge of the statement) to whom Affiant has spoken or whose forms Affiant has read and reviewed. Likewise, any information pertaining to vehicles and/or registrations, personal data on subjects, and record checks has been obtained through law enforcement databases.

PROBABLE CAUSE

4. On February 5th, 2021, at approximately 11:35 P.M., Detectives with CDP Gang Impact Unit (Operation Legend Task Force) and Cleveland Police Violent Crimes Reduction Unit, conducted a traffic stop on a white 2020 Dodge Charger bearing Ohio License Plate HSC4009. This vehicle was parked at a gas pump at Q's Gas Station located at 4332 Clark in the City of Cleveland.
5. Detectives recognized this vehicle and the male driver as a suspect who fled at a high rate of speed from the Gang Impact Unit detective's previously on February 4th, 2021 within the area of West 50th and Clark Avenue. This vehicle fled after an attempted traffic stop.

6. Due to the prior knowledge of this vehicle and its activities, the occupants, and the vehicle fleeing from police the prior day, members maintained surveillance on the vehicle with the assistance of the Violent Crimes Reduction Unit. Task Force Detectives entered the gas station and activated their lights and sirens to conduct a traffic stop.
7. Detectives approached the driver, who was the sole occupant of the vehicle and identified him as JAMES DAILEY. Upon approach suspected narcotics were observed within plain view inside the vehicle in the driver's side door arm rest as well as the center counsel.
8. JAMES DAILEY was arrested without incident, advised of his Miranda Rights and upon searching DAILEY, incident to arrest, detectives located a bag of suspected crack cocaine on his person along with \$1131.00 in U.S Currency.
9. Upon interviewing DAILEY, he admitted to possessing the narcotics located on his person as well as in his vehicle. DAILEY also admitted to detectives to selling narcotics in addition to an admission of fleeing the day prior from police.
10. Detectives conducted an inventory of the vehicle prior to towing it and seized the following items: plastic bag containing tans small particles with a Net Weight of 9.08 grams, cellophane wrapper containing three white oblong tablets marked WES 203 10/325, plastic bag containing twenty-one white crystalline fragments and small particles with a Net Weight of 38.37 grams., a plastic bag containing thirteen white crystalline fragments a small particles with a Net weight of 39.10 grams, a plastic bag containing five off white waxy fragments and small particles with a Net weight of 1.97 grams, small bag containing two gray fragments with a Net weight of 6.46 grams, plastic bag containing the following: Seven green round tablets scored on one side and marked M (inside of a square) 30 with a Net weight of .77 grams, Eight light blue round tablets scored on one side and marked

M(inside of a square) 30 with a Net weight of .87 grams, Twenty-two blue-green round tablets scored on one side and marked M (inside of a square) 30 with a net weight 2.28grams, small plastic bag containing eleven off-white waxy fragments and small particles with a net weight of 2.73 grams and a small bag containing a plastic bag with tan, peach, off-white, and small black particles with a net weight of 2.39 grams.

11. DAILEY is currently on Post Release Control (PRC) as of May 2017 through the State of Ohio Adult Parole Authority (APA) for Failure to Comply, Ohio Revised Code 2921.331, after serving a term of imprisonment through Medina County Court of Common Pleas, Docket Number 16CR0270.
12. On February 24, 2021, CDP received the lab report from Cuyahoga County Regional Forensics Laboratory confirming the following information: **Item: 001:** Sealed evidence bag containing an open plastic bag containing tans small particles with a Net Weight of 9.08 grams +/-0.01 grams at a coverage probability of 95.45% Heroin Schedule 1. **Item: 002:** Sealed evidence bag containing a cellophane wrapper containing three white oblong tablets marked WES203 10/325 Dose Count 3 unit dose Oxycodone and Acetaminophen, Schedule II coded to be Acetaminophen 325 mg/ Oxycodone Hydrochloride 10mg. **Item: 003.01:** A plastic bag containing twenty-one white crystalline fragments and small particles with a Net Weight 38.37 grams +/- 0.04 grams at a coverage probability of 95.45% Methamphetamine, Schedule II. **Item:003.02:** A plastic bag containing thirteen white crystalline fragments and small particles Net Weight 39.10 grams +/- 0.04 grams at a coverage probability of 95.45% Methamphetamine, Schedule II. **Item:003.03:** A plastic bag containing five off-white waxy fragments and small particles with a Net Weight 1.97 grams +/-0.01 grams at a coverage probability of 95.45% Cocaine Base, Schedule II.

Item:004: Sealed evidence bag containing two gray fragments with a Net Weight 6.46 grams +/- 0.01 grams at a coverage probability of 95.45% Heroin, Schedule I, Acetylfentanyl, Schedule I, Fluorofentanyl Schedule I, 4-ANPP, Schedule II, Fentanyl, Schedule II. **Item 005.01:** Seven green round tablets scored on one side and marked M (inside of a square) 30 with a Net Weight 0.77 grams +/- 0.01 grams at a coverage probability of 95.45% 4-ANPP, Schedule II, Fentanyl, Schedule II coded to be : Oxycodone Hydrochloride 30mg. **Item: 005.02:** Eight light blue round tablets scored on one side and marked M(inside of a square) 30 with a net weight 0.87 grams +/- 0.01 grams at a coverage probability of 95.45% 4-ANPP, Schedule II, Fentanyl, Schedule II coded to be: Oxycodone Hydrochloride 30mg. **Item: 005.03:** Twenty-two blue-green round tablets scored on one side and marked M(inside of a square) 30 with a net weight of 2.28 grams +/- 0.01 grams at a coverage probability of 95.45% 4-ANPP, Schedule II, Fentanyl, Schedule II coded to be: Oxycodone Hydrochloride 30mg. **Item: 006:** Sealed evidence bag containing a plastic bag containing eleven off-white waxy fragments and small particles with a Net Weight 2.73 grams +/- 0.01 grams at a coverage probability of 95.45% Cocaine, Schedule II. **Item: 007:** Sealed evidence bag containing a plastic bag containing tan, peach, off-white, and black small particles with a Net Weight 2.39 grams +/- 0.01 grams at a coverage probability of 95.45%. These findings were made after an analysis was performed by Forensic Scientist 2 Heather Pilch-Cooper.

13. On March 25, 2021 the above referenced narcotics were transferred to Drug Enforcement Administration Federal Task Force officers TFO Jason Glover and Ashley Tate to be analyzed by DEA lab for purity.

14. On April 14, 2021 Your Affiant received the lab report from Drug Enforcement Administration North Central Laboratory Chicago, IL confirming the purity of the Methamphetamine Hydrochloride with a Net Weight of 77.3g +/- 0.2 grams and Substance Purity 69% +/- 5% finding an Amount Pure Substance at 53.3 grams +/- 4.2 grams.

CONCLUSION

15. Based upon the above listed facts and circumstances, Your Affiant believes and asserts that there is probable cause to believe on February 5th, 2021, DAILEY did knowingly Possess With Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B).
16. The above violation was committed in the Northern District of Ohio, Eastern Division.
- Your Affiant requests that an arrest warrant be issued for JAMES DAILEY.



Alexander A. Gumucio, Task Force Officer
Northern Ohio Law Enforcement Task Force
Federal Bureau of Investigation.

Sworn to via telephone after submission
by reliable electronic means.
Fed. R. Crim. P. 3, 4(d), and 4.1, on
this 3rd day of May, 2021.



William H. Baughman, Jr.
U.S. Magistrate Judge
Northern District of Ohio
Eastern Division

